

1 Nanci L. Clarence (SBN 122286)  
2 Gina Moon (SBN 257721)  
3 Clarence Dyer & Cohen LLP  
4 899 Ellis Street  
5 San Francisco, CA 94109  
6 Tel: (415) 749-1800  
7 Fax: (415) 749-1694  
8 [nclarence@clarencedyer.com](mailto:nclarence@clarencedyer.com)  
9 [gmoon@clarencedyer.com](mailto:gmoon@clarencedyer.com)

10 Attorneys for Defendant  
11 ELENA MORENO

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 ELENA MORENO, et al.,  
19 Defendants.

CASE NO. CR-12-00750-03-LHK

**DEFENDANT ELENA MORENO'S  
MEMORANDUM RE: STAGGERED  
SENTENCES**

Ms. Moreno has been sentenced to 22 months imprisonment and will surrender for service of her sentence on June 1, 2015. Prior to her sentencing, Ms. Moreno requested that her sentence and the sentences of her husband and brother-in-law be staggered so that the seven individuals (ages 1, 5, 5, 7, 11, 74, and 77) who are fully dependent on them will be cared for despite the Morenos' incarceration (Dkt. No. 112 at 8, Exh. A). The government does not oppose the request and the Court indicated that the request would be further considered at the February 4, 2015 sentencings of Ms. Moreno's husband and brother-in-law.

In the event that it is helpful to the Court, Ms. Moreno appends hereto a few examples of staggered sentences imposed by other district courts.

- Exhibit A: *United States v. Jackson* (Case No. CR 13-00058, D.D.C.) & *United States v. Jackson* (Case No. CR 13-00059, D.D.C.): Husband and wife given staggered sentences. Wife's judgment specifies that BOP is to assign her a voluntary surrender date after husband (sentenced to thirty months) is released from BOP custody.
- Exhibit B: *United States v. Pagkaliwangan* (Case No. CR 09-00577, M.D. Fla.) & *United States v. Arellano* (Case No. CR 09-00577, M.D. Fla.): Husband and wife given staggered sentences. Wife's judgment specifies that she is not to report to serve her sentence until her husband completes his sentence. Husband was sentenced to 42 months (18 months + 24 months to be served consecutively).
- Exhibit C: *United States v. Ganetsky* (Case No. CR 09-00652, E.D. Pa.) & *United States v. Pugman* (Case No. CR 09-00651, E.D. Pa.): Husband and wife given staggered sentences. Wife given a report date of August 4, 2014. Husband given a report date of September 5, 2015, or within 30 days of the release of wife from BOP custody, whichever is earlier.
- Exhibit D: *United States v. Moreno-Vargas* (Case No. CR 13-00096, D.N.J.) & *United States v. Yarleque* (Case No. CR 13-00096, D.N.J.): Husband and wife given staggered sentences. Husband's judgment specifies husband is to surrender no later than September 26, 2016, upon release of wife from BOP custody.

- Exhibit E: *United States v. Giudice* (Case No. CR 13-000495, D.N.J.) & *United States v. Giudice* (Case No. CR 13-000495, D.N.J.): Husband and wife given staggered sentences. Husband's judgment specifies that the husband is required to surrender when his wife's term of imprisonment has concluded.

Dated: February 3, 2015.

Respectfully submitted,

CLARENCE DYER & COHEN LLP

By: /s/ Gina Moon

Nanci L. Clarence

Gina Moon

Attorneys for Defendant Elena Moreno